

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

Filed 2/25/11  
Clerk, U. S. District Court  
Western District of Texas  
By [Signature]  
Deputy

UNITED STATES OF AMERICA,  
Plaintiff,

SA-11-172M(4)

v.

GABRIEL GARCIA, (4)  
Defendant.

GOVERNMENT'S MOTION TO DETAIN DEFENDANT

TO THE HONORABLE NANCY STEIN NOWAK, U.S. MAGISTRATE JUDGE:

The United States of America, by and through the United States Attorney for the Western District of Texas, files this Motion to Detain Defendant and states:

I.

Defendant IS charged by criminal complaint, alleging Conspiracy to Possess With Intent to Distribute a Controlled Substance, which offense involved more than 500 grams of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of 21 U.S.C. §§ 846, 841(a)(1) & 841(b)(1)(B). Defendant's statutory range of imprisonment is 10 years to life imprisonment.

II.

Probable cause to believe that the Defendant committed an offense punishable under the Controlled Substances Act with a maximum punishment exceeding ten years, triggers the statutory

presumptions under the Bail Reform Act that Defendant's release would pose a danger to the community and that he is a risk of flight.

III.

For these reasons, the Government believes that Defendant's release on bond would pose a substantial risk that he would not appear at future court settings and that he may pose a risk to the community. The Government therefore requests that this Court detain Defendant without bond pending trial, and asks for a 3-day continuance in order to prepare for a hearing on this matter.

Respectfully submitted,

JOHN E. MURPHY  
United States Attorney

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